IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.305 OF 2006
WITH
CIVIL APPLICATION NO.390 OF 2006

Munna Shrikrishna Kanojia. ..Appellant.

V/s.

Mumbai Housing and Area
Development Board & Ors. ..Respondents.

Mr.S.S.Redekar for appellant.

Mr.R.A.Patil, AGP for respondent Nos.1,3 and 4.

Mrs. Geeta Joglekar for respondent No.2.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 6, 2006.

P.C. :

1. Heard counsel for the parties.

2. Admit.

3. Respondents waives service. As short question is raised, appeal is heard forthwith by consent.

4. Counsel for the respondents fairly accepts that so far no notice has been issued to the appellant. He submits that unless due process of law is adopted, no precipitative steps can be taken to

dishouse the appellant. In view of this submission made by the Counsel for the respondents, as a matter of fact, even the suit instituted by the appellant/plaintiff will be worked out. In other words, the respondents assure to proceed in respect of the suit structure by following due process of law.

5. Accordingly, this appeal succeeds. The impugned order is set aside. Instead the parties are relegated before the trial Court to move the trial Court for formal order of disposing of the suit in view of the statement made on behalf of the respondents as noted earlier.

6. Appeal as well as civil application disposed of on the above terms.